

Via ECF Filing Only

August 6, 2019

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
Daniel Patrick Moynihan U.S. Courthouse
New York, New York 10007

RE: *United States v. Ross William Ulbricht*, No. 14 Cr. 68 (LGS) (S.D. NY)
Response to Court's Order and Agreed Briefing Schedule

Dear Judge Schofield:

1. Response to Court Order

Ross William Ulbricht ("Ulbricht"), through his counsel Zachary L. Newland, submits this letter to the Court as directed by the Court's prior order. (*See* Dkt. 372) (directing counsel to file a joint letter detailing who represents Ulbricht.).

The Court has already granted the request of attorney Paul Grant to withdraw as counsel for Ulbricht. (Dkt. 375, 376). As instructed by the Court, the undersigned traveled to Tucson, Arizona, to meet and confer with Ulbricht and attorney Grant.

Ulbricht conferred with the undersigned during the visit to determine who represents Ulbricht. Attorney Grant declined to participate in the visitation with Ulbricht at the prison.

Ulbricht confirmed during the visit that he wanted to proceed with attorney Newland of Brandon Sample PLC as his counsel.¹ Ulbricht believes that there is no longer any uncertainty regarding who is representing him in connection with his motion under 28 U.S.C. § 2255.

2. Extension of Time and Agreed Briefing Schedule

Ulbricht also respectfully requests that the Court extend the current briefing schedule which was recently ordered. (Dkt. 373). Ulbricht has retained new counsel who is still in the process of obtaining Ulbricht's client file from attorney Grant. Ulbricht's new counsel was required to spend considerable amounts of time to address the material uncertainty created by former counsel's conduct.

Ulbricht and the United States conferred regarding Ulbricht's plan to request additional time from the Court. As a result of these efforts, the parties were able to reach a proposed new briefing schedule by agreement. The parties propose the following schedule:

¹ Attorney Grant indicated unequivocally that he did not intend to participate in this joint submission.

- **December 16, 2019:** Deadline for Ulbricht to submit his new 28 U.S.C. § 2255 motion with supporting memorandum of law;²
- **March 2, 2020:** Deadline for any response from the United States; and
- **April 2, 2020:** Deadline for any reply from Ulbricht.

Both Ulbricht and the United States respectfully ask the Court to adopt this proposed agreed briefing schedule. The parties believe that this proposed schedule is appropriate and would ensure that justice is served.

The Court's consideration of the requested amended briefing schedule in this matter is greatly appreciated.³

Respectfully submitted,

/s/ Zachary L. Newland
Zachary L. Newland
Email: zach@brandonsample.com
Phone: 802-444-4357
Texas Bar: 24088967

Attorney for Ross William Ulbricht

Encl. (0x)

ZLN/

cc: All counsel of record, via ECF notification
Mr. Ross William Ulbricht, via U.S. Mail only
File

² Both sides also agreed that any filings would comply with the page limitations set forth in the Court's most recent order: a) 25 pages for Ulbricht's memo of law and the Government's response, and b) 10 pages for Ulbricht's reply. (Dkt. 373).

³ Attorney Newland also respectfully requests the Court grant his motion for leave to appear *pro hac vice*, (Dkt. 366), which remains pending.